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ACQUISITION POLICIES AND RELOCATION ASSISTANCE



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U. S. Department of the Interior
National Park Service

*For Relocation Assistance,
Contact Your National Park
Service Representative*

INTRODUCTION

In 1970 Congress enacted the Uniform Relocation Assistance and Real Property Acquisition Policies Act. The act has been amended and the latest implementing regulations are effective March 2, 1989.

The purpose of the Act is to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

The National Park Service procedures for acquisition of land or interests therein and for the relocation of occupants are governed by the Act.

The following provides a summary of the benefits that may be available. A National Park Service representative will explain the program and advise you of any benefits that you may be entitled to and answer any questions you may have.

You will not be asked to move until your property has been acquired and relocation assistance in finding a suitable replacement property has been offered.

If you are an owner, you will be offered the market value based on an appraisal of your property. Any relocation benefits paid to you will be in addition to this amount and are not taxable.

The amount you receive for relocation assistance will be determined by your specific situation, by housing and other conditions in your area, and by decisions you make concerning the replacement property.

To be eligible for relocation benefits, you must either vacate because of acquisition or you must receive a written notice to vacate before you move. **DO NOT MOVE UNTIL YOU HAVE BEEN NOTIFIED BY A NATIONAL PARK SERVICE REPRESENTATIVE TO DO SO.**

To receive benefits you must submit all completed claim forms within 18 months from the day you moved.

POLICIES FOR ACQUIRING REAL PROPERTY

If you own real property to be acquired by the United States for the National Park Service, the following acquisition policies will apply:

The property will be appraised to estimate its fair market value. We encourage you or your representative to accompany the appraiser, to point out any features you feel may have an influence on the value of the property.

As soon the appraisal of your property has been reviewed, approved, and just compensation, an amount not less than the appraised fair market value, is established you will be furnished a written statement of, and summary of the basis for, the amount determined as just compensation. Every reasonable effort will be made to negotiate for the purchase of your property.

Unless there is an unusual possession requirement, you will be given at least 90 days to move. **UNDER NO CIRCUMSTANCES WILL YOU HAVE TO MOVE BEFORE YOU ARE PAID FOR YOUR PROPERTY.**

Most of the cost to convey the title to the property to the United States will be paid by the government. The Act provides for compensation to you for the following:

1. Recording fees, transfer taxes, and similar expenses.
2. Penalty costs for prepayment of any existing recorded mortgage.

3. The pro rata portion of real estate taxes you paid for the period after title is conveyed to the United States.

You may be paid for other similar expenses that are fair and reasonable but not for costs necessary to clear defects in title to your property.

RELOCATION ASSISTANCE ADVISORY SERVICES

You will be offered assistance in relocating to suitable replacement housing. The advisory assistance offered includes:

Assistance in determining your needs and eligibility for relocation assistance;

Providing current continuing information on the availability and prices of housing that meet "decent, safe, and, sanitary" standards;

Assuring that comparable dwellings are available.

Supplying information on Federal and State housing, disaster loan, and other programs that offer assistance to displaced persons;

Providing other advisory services to minimize your adjustment to a new location.

All relocation services undertaken by the National Park Service are coordinated with similar actions of other agencies to assure adequate replacement housing is available.

MOVING EXPENSES

If you own or rent a house or apartment, or if you live in a furnished room or apartment on the property acquired, and if you are displaced as a result of the acquisition, you may be paid for your move to a new dwelling, based on a set moving schedule or on your actual expenses.

A National Park Service representative will tell you what the benefit will be before you move. If you decide to receive actual moving expenses, you may be paid for the following:

1. Transportation of yourself, your family and your belongings from the previous location to the new site (but usually not beyond a 50-mile radius).
2. Packing and unpacking.
3. Storage, generally not to exceed 12 months.
4. Insurance while your property is in storage or transit.
5. Removal and reinstallation of equipment, appliances, and other items.
6. Property lost, stolen or damaged in the process of moving when not covered by insurance.
7. Other reasonable and necessary expenses if approved by the National Park Service.

If your business is displaced by the acquisition, you may be paid for moving your personal property even though you did not live on the acquired property.

This may apply to the owners or tenants of businesses or farms and to owners of equipment on vacant land. If you choose to receive actual moving expenses, please note that you must be able to document your expenses with receipts or other proof of payment. You may be reimbursed for the full amount of the actual cost as long as the expenses are your true costs and are found to be fair and reasonably. Commercial moving charges are normally the upper limit to the amount of actual moving expenses that may be paid. (see Page 10).

REPLACEMENT HOUSING FOR HOMEOWNERS

You may be eligible for benefits provided to homeowners if you have owned and occupied your home as your permanent residence for at least 180 days prior to the date the National Park Service initiated negotiations with you or your representative. Homeowners who do not meet the 180-day time limitation may be able receive the benefits described for renters and others (see page 8).

Assistance to be provided includes finding housing comparable to that you now own. The replacement must:

Have a kitchen, separate complete bathroom, hot and cold running water, safe and adequate electrical and heating systems.

Be functionally equivalent to your previous home.

Be adequate in size to meet the needs of your family.

Be open to all persons regardless of race, color, religion, and national origin.

Be located in an area where neighborhood conditions, public utilities, and public and commercial facilities are not less desirable than those in the area you are leaving.

Be reasonably accessible to your place of employment.

You do not have to accept, live in, or buy replacement housing we recommend. Our selections are intended only to help you. The choice is up to you.

If we buy your home and you meet the necessary qualifications, you may be paid an amount to help you buy a comparable replacement home. You must, however, move into the new home within 1 year after final payment is received for your house or the date on which referrals for comparable replacement homes are received, whichever is later.

The amount you receive usually will be determined by a survey of comparable homes for sale on the private market. We look for homes most similar to yours and select the one most nearly comparable. If the amount paid for the house you are leaving is less than the comparable home, you may receive the difference to help you buy a new house. The new house may be much more expensive than your previous home, but your cash benefit will be limited to the difference between the cost of a comparable house and your previous house.

This difference, together with any increased interest expense on a mortgage and any incidental expenses you incur, such as title insurance, recording fees, and other closing costs, is your replacement housing payment. If you buy a new house for less than the price of a comparable house, the replacement housing payment will be reduced accordingly. Replacement housing payments may not exceed \$22,500.

If you retain the right of use and occupancy of the dwelling to be acquired for a fixed period or for life, you will not be eligible for the replacement housing payment. However, you will be eligible for reimbursement for your title conveyance costs (see page 1) and moving expenses when you vacate your property (see page 4).

REPLACEMENT HOUSING FOR RENTERS AND OTHERS

You may be eligible for the assistance provided to renters and some homeowners if you have occupied the home for at least 90 days prior to the date the National Park Service initiated negotiations with you or the property owner or his representative.

Occasionally unusual or complex situations can arise. If this is true in your case, we help you to establish your relocation benefits. If you wish, we may be able to help you find an apartment or house. You, of course, do not have to move into any replacement dwelling we suggest. Whatever we show you is only intended to help you make the decision. If required, we can help you find public housing or assist you through social service programs. If you have any questions, contact the National Park Service representative with whom you have been dealing.

REMEMBER, DO NOT MOVE UNTIL A NATIONAL PARK SERVICE REPRESENTATIVE HAS CONTACTED YOU. YOU MUST RECEIVE A WRITTEN NOTICE TO VACATE.

If you are eligible, you can make one of the following choices about replacement housing:

You may decide to rent, in which case you may receive an amount that will help you pay for any rent increase.

You may decide to buy a new house, in which case you may receive an amount that will help you make a downpayment.

If you decide to rent, the amount you may receive depends on what it costs in your community to rent a dwelling comparable to your present home. We will make a survey and tell you before you move what rental properties will be available and what they cost. Your rent supplement check, if any, will be based on the difference between what you now pay or a percentage of your gross household income and what you must pay in the future. It will be computed for a period not to exceed 42 months and the total may not exceed \$5,250.

If you decide to buy, you may receive the amount of a downpayment and closing costs on a decent, safe, and sanitary home that is adequate for your needs. You may receive an amount for a downpayment under a conventional mortgage loan, up to a total of \$5,250.

The downpayment must be used to buy and occupy a house within 1 year after you are required to move. An inspection of the house will be made to assure that it meets minimum plumbing, wiring, heating, and other building and health standards.

DISPLACEMENT OF BUSINESSES, FARMS, OR NONPROFIT ORGANIZATIONS

Businesses, farms or nonprofit organizations may be entitled to a payment for relocation costs to include:

1. Actual moving costs of all personal property.
2. Actual direct losses of tangible personal property up to the amount it might cost to move the items to the new location; this may include sand or gravel stock-piles, heavy but relatively obsolete equipment, and similar objects.
3. Actual expenses in searching for a replacement site, including travel, meals, lodging, and your or a consultant's time, but not usually to exceed \$1,000.
4. Certain reasonable and necessary expenses actually incurred for reestablishment at the replacement site, not to exceed \$10,000.

Under some circumstances you may be eligible for a fixed payment of not less than \$1,000 nor more than \$20,000 in lieu of actual relocation costs. This payment, for a business or farm, would be equal to the average net earnings for the 2 taxable years immediately prior to the taxable year in which you moved from the real property acquired. Compensation paid by the business or farm operation to the owner, spouse, or dependents during this period may be included as part of the net earnings. The payment for a nonprofit organization would be the average annual gross revenues for the two 12-month periods prior to the acquisition, less administrative expenses.

PROCEDURES FOR FILING CLAIMS

To receive payment, you must submit claim forms within 18 months of:

1. For tenants, the date of displacement.
2. For owners, the date of displacement or the date of final payment for the acquisition of the real property, whichever is later.

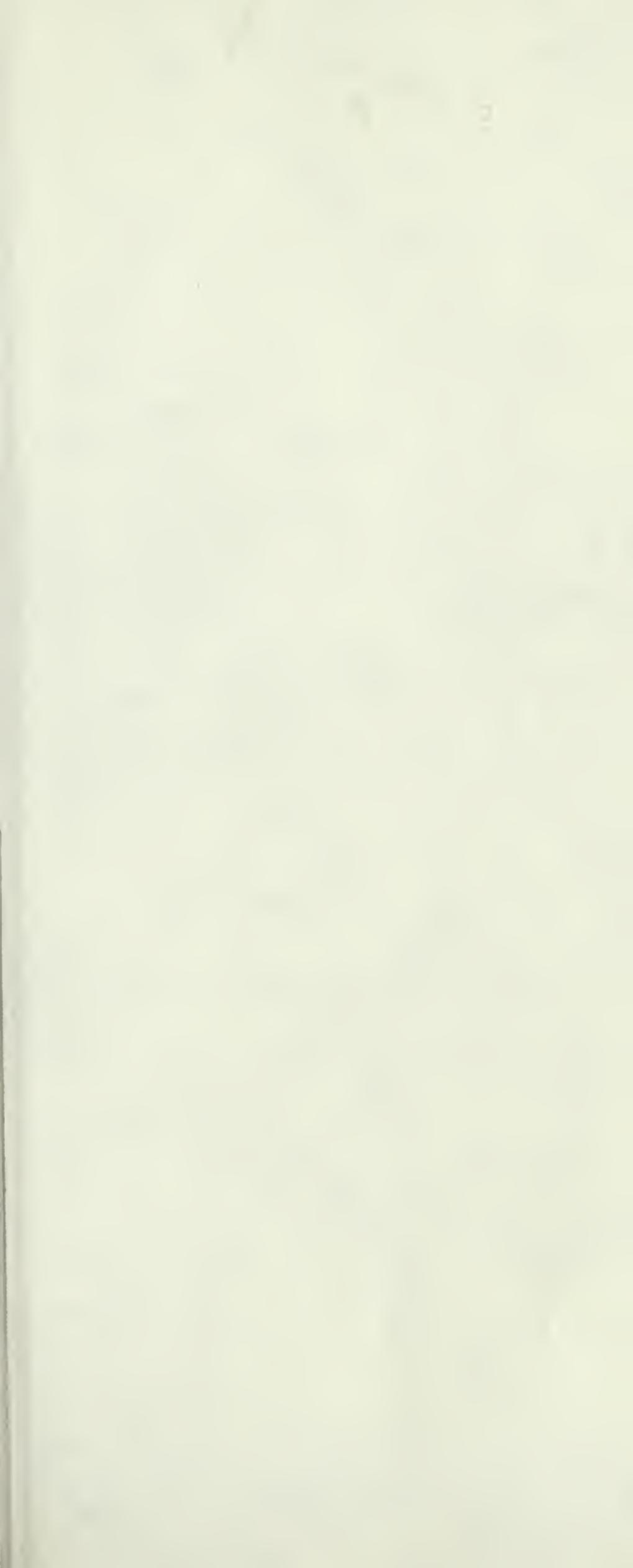
All claims are different. You should contact the National Park Service representative for details or for assistance in completing your claim forms.

DETERMINATION OF CLAIM RIGHT OF APPEAL

After you file your claim, we will promptly determine the benefits you are entitled to receive, and you will receive a copy of that decision with a full explanation of any amount disallowed. The decision will be final unless within 60 days of the date of mailing of the decision to you, you file a written notice of appeal to: *Director, Office of Hearings and Appeals, Department of the Interior, Washington, DC 20240.*

The notice of appeal should contain information to identify the action or decision appealed and should give a brief but complete statement of the facts relied upon and the relief desired. A copy of the notice of appeal and any accompanying statements of the reasons for it should be mailed to the official who made the decision.

A description of the appeal procedure is contained in 43 Code of Federal Regulations, Part 4, Subpart G. The National Park Service representative will explain the appeal rights more fully if you desire further information.



Mission: As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally-owned public lands and natural and cultural resources. This includes fostering wise use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interests of all our people. The Department also promotes the goals of the Take Pride in America campaign by encouraging stewardship and citizen responsibility for the public lands and promoting citizen participation in their care. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. Administration.

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